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6 IN THE UNITED STATES DISTRICT COURT

7 EASTERN DISTRICT OF CALIFORNIA

8
9 UNITED STATES OF AMERICA,
10 Plaintiff,
11 v.
12 HUGO VILLA GOMEZ ET AL.,
13 Defendants.

CASE NO. 1:22-CR-00197-JLT-SKO
STIPULATION TO CONTINUE STATUS
CONFERENCE AND ORDER THEREON
Date: October 19, 2022
Time: 1:00 p.m.
Honorable Sheila K. Oberto

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15 **STIPULATION**

16 This case is set for a status conference on October 19, 2022, which the parties stipulate to
17 continue to January 18, 2023, for the reasons set forth below.

18 1. A large volume of discovery in this case had been provided, including voluminous
19 investigative reports, recorded meetings, video and audio surveillance recordings,
20 photographs, and other documents and electronic evidence.

21 2. The government has recently received supplemental discovery, which it is in the process of
22 reviewing and preparing for production.

23 3. Defense counsel requires additional time to review the discovery, to conduct additional
24 investigation and legal research, and to confer with his client about how to proceed in this
25 case.

26 4. The proposed status conference date represents the earliest date that all counsel are available
27 thereafter, taking into account counsels' schedules, defense counsels' commitments to other
28 clients, and the need for preparation in the case and further investigation.

5. In addition, the public health concerns cited by General Order 611, 612, 617, 618, 620, 635, 640, and subsequent orders and presented by the evolving COVID-19 pandemic, an ends-of-justice delay is particularly apt in this case because counsel or other relevant individuals have been encouraged to telework and minimize personal contact to the greatest extent possible. It will be difficult to avoid personal contact should the hearing proceed and it is difficult for defense counsel to meet with their clients and review discovery.

The parties further believe that time should be excluded, in that failure to grant the requested case schedule would unreasonably deny the defendants continuity of counsel, and unreasonably deny both the defendants and the government the reasonable time necessary for effective preparation, taking into account the parties' due diligence in prosecuting this case. 18 U.S.C. Section 3161(h)(7)(B)(iv). Based on the above-stated findings, the ends of justice served by the schedule as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act. Therefore, the parties request that the Court exclude the time from October 19, 2022, until the new status conference date on January 18, 2023 from calculations under the Speedy Trial Act.

IT IS SO STIPULATED.

Dated: October 7, 2022

PHILLIP A. TALBERT
United States Attorney

By: /s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

Dated: October 7, 2022

/s/ Kevin Rooney
Attorney for Defendant
Serafin Villa Gomez Vigil

Dated: October 7, 2022

/s/ David Torres
Attorney for Defendant
Hugo Villa Gomez

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ORDER
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5 IT IS HEREBY ORDERED that the status conference in this case be continued from October 19,
6 2022, until January 18, 2023 at 1:00 p.m.
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9 IT IS FURTHER ORDERED THAT the ends of justice served by the schedule set forth herein as
10 requested outweigh the interest of the public and the defendants in a trial within the original date
11 prescribed by the Speedy Trial Act for the reasons stated in the parties' stipulation. For the purpose of
12 computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must
13 commence, the time period of October 19, 2022 and January 18, 2023, inclusive, is deemed excludable
14 pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court
15 at the parties' request on the basis of the Court's finding that the ends of justice served by taking such
16 action outweigh the best interest of the public and the defendant in a speedy trial
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18 IT IS SO ORDERED.
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21 DATED: 10/7/2022
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24 *Sheila K. Oberto*
25 HONORABLE SHEILA K. OBERTO
26 United States Magistrate Judge
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